

Senate File 2250 - Enrolled

Senate File 2250

AN ACT

RELATING TO RESPONSIBILITIES OF TIMBER BUYERS AND PERSONS
TRANSPORTING TIMBER, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 456A.36, subsection 1, paragraphs b and c, Code 2020, are amended to read as follows:

b. "*Timber*" means trees, standing or felled, and logs which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of an article. However, "*timber*" does not include firewood, Christmas trees, or fruit or ornamental trees ~~or wood products not used or to be used for building, structural, manufacturing, or processing purposes.~~

c. "*Timber buyer*" means a person engaged in the business of buying timber ~~from the timber growers~~ for sawing into lumber, for processing, or for resale, but does not include a person who occasionally purchases timber for sawing or processing for the person's own use and not for resale. "*Timber buyer*" includes a person who contracts with a timber grower on a shared-profit basis to harvest timber from the timber grower's land.

Sec. 2. Section 456A.36, subsection 2, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The principal amount of the bond shall be ten percent of the total amount paid to timber growers during the preceding year, plus ten percent of the total amount due or delinquent

and unpaid to timber growers at the end of the preceding year, and ten percent of the market value of growers' shares of timber harvested during the previous year. However, the total amount of the bond shall be not less than ~~three~~ twenty-five thousand dollars and not more than ~~fifteen~~ fifty thousand dollars.

Sec. 3. Section 456A.36, subsection 3, Code 2020, is amended to read as follows:

3. The following are violations of this section:

a. For a ~~timber-buyer~~ person to fail to pay, as agreed, for timber purchased.

b. For a ~~timber-buyer~~ person to cut or cause to be cut or appropriate timber not purchased.

c. For a ~~timber-buyer~~ person to willfully make a false statement in connection with the bond or other information required to be given to the commission or a timber grower.

d. For a ~~timber-buyer~~ person to fail to honestly account to the timber grower or the commission for timber purchased or cut if the ~~buyer~~ person is under a duty to do so.

e. For a ~~timber-buyer~~ person to commit a fraudulent act in connection with the purchase or cutting of timber.

f. For a ~~timber-buyer~~ person engaged in the business of transporting timber to transport timber without ~~written proof of ownership or the written consent of the owner~~ a completed timber transport certificate. The timber transport certificate shall be on a form approved by the department. A person shall not be convicted of a violation of this paragraph if the person produces before or at the person's trial a copy of the timber transport certificate, written proof of the vendor's ownership of the timber, or written consent of the owner of the timber.

g. For a person to purchase timber without obtaining, prior to taking possession of the timber, a copy of the timber transport certificate, written proof of the vendor's ownership of the timber, or the written consent of the owner of the timber. The purchaser shall keep the copy of the timber transport certificate or written proof of ownership or consent on file for at least ~~three months~~ one year from the date the timber was released to the purchaser's possession.

Sec. 4. Section 456A.36, subsection 5, Code 2020, is amended

by striking the subsection and inserting in lieu thereof the following:

5. *a.* A person who engages in business as a timber buyer without filing a bond or surety with the commission is guilty of a serious misdemeanor.

b. A person who engages in business as a timber buyer who refuses to permit inspection of premises, books, accounts, or records as provided in this section is guilty of a serious misdemeanor.

c. A person who violates any of the provisions of this section for which no other punishment is provided is guilty of a serious misdemeanor.

CHARLES SCHNEIDER
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2250, Eighty-eighth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2020

KIM REYNOLDS
Governor